

MEMORANDUM

DATE: January 15, 2003
TO: School District Election Coordinators
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: JUNE 9 SCHOOL ELECTION

With the approach of the June 9 school election, we would like to take this opportunity to highlight a number of points to assist you with your preparations for the election. We ask your cooperation in reviewing the following information with those responsible for the tasks and duties involved.

Date of Election

PA 289 of 1995, effective July 1, 1996, reorganized all primary, second, third and fourth class school districts into "general powers school districts." PA 289 of 1995 directs each general powers school district to continue to hold its regular election on the same date it held its regular election prior to the effective date of the amendment. The amendment further provides that a change in the election date to any of the following dates can be effected through the adoption of a resolution 6 months before the new election date the school district wishes to use: annually or biennially on the first Monday in April; annually or biennially on the second Monday in June; or annually or biennially at the same time as the November general election. While the information contained in this memo is directed at school districts conducting an election on June 9, 2003, the information has equal application in school districts that fill their school board positions on other dates.

Recent Changes and Highlighted Administrative Issues

New petition signature requirements; new filing fee option created: PA 157 of 2002 amended the School Code to 1.) modify the signature requirements imposed on candidates who seek school board positions and 2.) permit candidates who seek school board positions the option of filing a \$100.00 *nonrefundable* fee in lieu of a petition. The new filing requirements, listed below, went into effect on *January 1, 2003*:

- ***School district with less than 10,000 in population according to the most recent federal census:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- ***School district with 10,000 or more in population according to the most recent federal census:*** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.
- ***Intermediate school district with less than 10,000 in population according to the most recent federal census:*** minimum of 6 signatures; maximum of 20 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.

- ***Intermediate school district with 10,000 or more in population according to the most recent federal census:*** minimum of 40 signatures; maximum of 100 signatures. A \$100.00 nonrefundable fee may be filed in lieu of a petition.

Petition form revisions: A recent amendment to Michigan election law (PA 431 of 2002) makes several minor wording changes in the various petition forms used throughout the state including the nominating petition forms used by school board candidates. Most significantly, the amendment revises the “Post Office” column in the body of the petition forms and the “Post Office” entry in the circulator’s certificate which appears on the forms to read “Zip Code.”

While we encourage you to discard the previous version of the school board petition form as soon as the revised form is available, no penalties should be imposed on school board candidates who use the previous version of the form to file for office. The revised petition forms are currently available for purchase through commercial suppliers.

New signature validity standard: The amendment which changed the “Post Office” entries on all petition forms to “Zip Code” entries further specifies that a signer’s or a circulator’s failure to 1.) enter a Zip Code or 2.) enter a correct Zip Code does *not* affect the validity of the signer’s or the circulator’s signature. Given this change, no consideration should be given to the Zip Code entries (or, until the revised forms are available, the Post Office entries) on petition forms when reviewing petitions for validity.

Ballot container inspections: All ballot containers used to conduct school elections must be approved by the Board of County Canvassers. An approval sticker with an expiration date is affixed to all ballot containers approved for use. The inspections are routinely carried out every four years. As 2002 was an inspection year, any ballot containers used to administer the June 9 school election must carry an approval sticker which expires on May 31, 2006. If you have ballot containers which have not been approved for use through May 31, 2006, contact the county clerk to arrange for the inspection and approval of the containers. A ballot bag which is capable of being sealed is needed for each ballot container used to store paper ballots.

Use of Qualified Voter File for administration of June 9 school election required: The Qualified Voter File (QVF) is the official record of the registered voters in the state and as such, must be used to conduct all elections administered on the city/township, village and school level. Any questions you may have regarding the use of the QVF to administer elections should be directed to Bureau of Elections’ QVF Help Desk. Phone: 1-800-310-5697.

Newly revised “Affidavit of Voter Registration” must be used: In August 2001, a newly revised “Affidavit of Voter Registration” form was forwarded to you through this office. The revised form must be employed to administer the June 9 school election. Two points merit emphasis: 1.) a voter who is issued a ballot under the affidavit procedure must vote a “challenged” ballot and 2.) the election worker handling the procedure must contact the election official responsible for administering the school election to confirm that the voter is not registered to vote in any other precinct in the district before issuing a ballot to the voter. (For further information, see “Safety net provided for voters” on page 8 of this memo.)

Preserving the secrecy of optical scan ballots: It is improper for any member of the precinct board to view a voter's ballot after the voter has cast votes on the ballot. It is extremely important that this point be emphasized to all election inspectors appointed to serve in optical scan precincts. Voter complaints over this matter typically involve the mishandling of ballots rejected by the tabulator. To ensure the secrecy of optical scan ballots, instruct your election inspectors to remain at least *10 feet away* from the tabulator whenever a voter is depositing his or her voted ballot into the tabulator. To ensure the proper handling of voters who have their ballot rejected, a "script" is provided with this memo. The distribution of the script to your precinct boards is recommended. The election worker responsible for monitoring the tabulator should read the script to any voter who experiences the rejection of his or her ballot due to a voting error.

Administering "central count" optical scan tabulation systems: School districts that count optical scan ballots with "central count" tabulation systems (either absentee ballots or ballots cast in the polls) are reminded that the careful handling of the ballots is essential to ensure the accuracy of the vote totals. *As a part of the handling procedures, the tabulation equipment must be programmed to reject blank ballots and ballots containing "overvotes."* If this programming feature is not employed as required, inaccurate vote results can occur due to ballots that contain false "overvotes" and ballots containing votes which cannot be scanned by the tabulator due to the voter's use of an improper marking implement. To ensure the accuracy of the vote totals, ballots that contain false "overvotes" and ballots containing votes which cannot be scanned by the tabulator due to the voter's use of an improper marking implement *must be duplicated prior to tabulating.*

Restrictions on polling place changes: Public Act 216 of 1999 prohibits election officials from establishing, moving or abolishing a polling place less than 60 days before an election unless the polling place has been "damaged, destroyed or rendered inaccessible or unusable as a polling place." As a result of this new restriction, no changes can be made in the location of a polling place established for the June 9 school election on or after April 11 unless the polling place cannot be used for any of the cited reasons.

Campaign finance compliance statement required on Affidavit of Identity form: Public Act 217 of 1999 requires any candidate filing an Affidavit of Identity to state on the form that at the date the affidavit was executed, "all statements, reports, late filing fees and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan Campaign Finance Act ... have been filed or paid." A "Supplementary Affidavit of Identity" form developed for distribution to candidates who are required to attest to the campaign finance compliance statement when filing is attached. (The standard Affidavit of Identity form has been revised to include the statement.) It merits note that any school board candidate who is required to submit a Statement of Organization to register a Candidate Committee is subject to the campaign finance compliance statement requirement. This remains true regardless of whether the candidate qualifies for a "Reporting Waiver." On the other hand, a school board candidate who is fully exempt from the filing requirements of Michigan's Campaign Finance Act (i.e., not required to file a Statement of Organization), is *not* required to submit the campaign finance compliance statement.

Post-Election Campaign Finance Compliance Statement required of elected candidates:

Public Act 217 of 1999 requires any candidate elected to office on the state, county or local level to file an affidavit *prior to assuming office* which states that at the date the affidavit was executed “all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate’s election under the Michigan Campaign Finance Act ... have been filed or paid.” The affidavit is *not* required of an elected candidate who 1.) is exempt from the filing requirements of Michigan’s Campaign Finance Act 2.) did not receive or expend more than \$1,000.00 during the election cycle or 3.) is elected to an office which is *not* certified on the county or state level. Elected school board candidates who are subject to the requirement must submit the required campaign finance compliance statement to the county clerk; school districts are *not* responsible for receiving the statements. A form developed for distribution to elected school board candidates who must comply with the filing requirement is attached (“Post-Election Campaign Finance Compliance Statement”). An elected candidate who is required to file the statement who fails to submit the form is guilty of a misdemeanor punishable by “a fine of up to \$500.00 or imprisonment for up to 93 days, or both.”

Preparing for the Election

Careful planning is essential to the conduct of trouble-free elections. If problems have occurred in the past, corrective action should be taken now to ensure that the problems are not repeated.

- A “Close of Registration” notice must be published twice in separate editions of a newspaper of general circulation in the school district. The first publication of the notice must appear no later than May 2; the second publication must appear prior to the May 12 deadline for registering to vote for the June 9 school election.
- A “Notice of Election” must be published twice in separate editions of a newspaper of general circulation in the school district. The first publication of the notice must appear no later than May 30; the second publication must appear before June 9, the date of the school election. It is also recommended that a notice be published on how and where an elector may obtain an absent voter ballot for the election.
- At least three election inspectors must be appointed by the school board to serve in each precinct; additional inspectors must be appointed if needed to properly conduct the election. A list of alternate inspectors should be established to handle election day emergencies. At least one election inspector who has declared an affiliation with the Republican Party and one election inspector who has declared an affiliation with the Democratic Party must be appointed to each precinct board; each board must be as politically balanced as possible.
- Election inspectors must be qualified, registered electors of the school district. In addition, an election inspector must have attended a training session within the last two years for the type of voting system to be used. The local county clerk is responsible for coordinating and conducting the required training; school staff does *not* have the authority to handle this

responsibility. It merits note that 16 or 17 year olds may be appointed as election inspectors under certain stipulated conditions. Complete information on this allowance is available through the Michigan Department of State's Bureau of Elections upon request.

- Be sure your precinct inspectors know the proper way to seal the ballot storage containers used in your district. The use of a "U" shaped sealing adapter assures proper sealing. Sealing adapters are available through this office and commercial vendors who handle election supplies.
- All candidates submitting a petition for a school board office must submit two "Affidavit of Identity" forms when filing. One copy of the form must be forwarded to the county clerk. *A candidate who fails to submit an Affidavit of Identity when filing for office is ineligible to appear on the ballot.* The Affidavit of Identity requirement is provided under Michigan election law, MCL 168.558. The Affidavit of Identity form is useful because it verifies a candidate's intent to seek office, provides pertinent information about the candidate and reduces the chance for name misspellings on the ballot. Verification of a candidate's intent to seek office is especially important when a candidate is unable to personally appear to file for office. An approved Affidavit of Identity form is available through commercial suppliers.

It is important to note that PA 137 of 1997 amended Michigan election law to add two new statements to the Affidavit of Identity form: 1.) a statement that the candidate is a citizen of the United States and 2.) a statement that the candidate acknowledges that making a false statement in the affidavit is perjury, punishable by a fine of up to \$1,000.00 or imprisonment for up to 5 years, or both. Any Affidavit of Identity forms which you have on hand which do not incorporate the two statements referenced above are obsolete and should be destroyed.

It merits further note that any candidate filing an Affidavit of Identity is required to state on the form that at the date the affidavit was executed, he or she was in full compliance with Michigan's Campaign Finance Act. As explained earlier under "Recent Changes and Highlighted Administrative Issues," a "Supplementary Affidavit of Identity" form developed for distribution to candidates who are required to attest to the campaign finance compliance statement is attached.

Election Day

On election day, the election inspectors appointed to administer the polls must be prepared to observe all governing state laws when issuing ballots to the voters interested in participating in the election. Preparations must also be put in place to handle the informational needs of candidates and interest groups involved in the election.

- Throughout election day interest groups may want access to the poll book to determine who has voted. While an interest group has no automatic right to this information on election day, the election official in charge is free to honor the request by 1.) periodically making a photocopy of the poll book pages and posting them for review or 2.) providing photocopies of the poll book pages to those seeking the information. If either method is used, the poll book must be copied *in the precinct*; there is no authority to remove the poll book from the precinct during election day. An alternative to photocopying the poll book is to create a

carbon copy which can then be made available to all interested persons. Election officials have also responded to the request for election day voter information by using a carbonized Application to Vote. If this method is used, the Application to Vote carbons *cannot* be removed from the polling place; displaying the carbons on a table which is equally accessible to all interested persons is the best approach. If carbonized Application to Vote forms are used, they must be purchased by the school district; such forms cannot be purchased by outside interests. Regardless of what approach is adopted to satisfy such requests, it is essential that no individual or group receives earlier or greater access to election day voter information as equal treatment of competing interests is critical to the integrity of the elections process.

- All campaigning on election day must be at least 100 feet from any doorway used by voters to enter the building in which the polling place is located. Candidate and ballot question groups often seek the use of school space and telephones on election day for campaigning purposes. Such a request cannot be granted as it violates the statute prohibiting campaigning. In addition, in OAG 1987-1988, No. 6423, p 33 (February 24, 1987), the Attorney General responded to the question of whether an institution of public education could rent or lease public facilities to independent, political, ballot or candidate committees. The opinion concluded that a school district lacked the statutory authority to rent or lease a portion of its facilities for purposes unrelated to the educational mission of the school district.
- Michigan election law stipulates that “a person shall not post, display, or distribute in a polling place, in any hallway used by voters to enter or exit a polling place, or within 100 feet of an entrance to a building in which a polling place is located any material that directly or indirectly makes reference to an election, a candidate, or a ballot question.” *This includes materials developed to inform voters on the “pros” and “cons” of ballot proposals.* The prohibition does *not* apply to official materials that are required by law to be posted, displayed, or distributed in a polling place on election day. A person who violates the prohibition is guilty of a misdemeanor.
- The polls must remain open until 8:00 p.m. All voters in line at 8:00 p.m. must be allowed to vote.
- Following the close of the polls, the precinct must remain open to the public. Persons interested in observing the tally must be allowed a clear view of the process. A specific “public area” should be designated for this purpose to avoid observers crowding the tally area or otherwise disrupting the tallying process.
- Voting equipment, ballots and other election materials must be properly secured at the end of election day. As ballots not properly secured cannot be recounted, election inspectors must thoroughly understand how to properly secure the ballots cast at the election and record the necessary seal numbers.

Following the Election

Within five days after the certification of the election, the secretary of the school board is required to notify each elected candidate of his or her election to office. Within 10 days after the issuance of the notification, the newly elected candidate is required to file with the secretary of the school board 1.) a written acceptance of office and 2.) an affidavit of eligibility. In addition to the submission of the two documents, the newly elected candidate must execute a constitutional oath of office prior to assuming office.

As noted earlier under “Recent Changes and Highlighted Administrative Issues,” any candidate *elected* to a school board position is also required to file a “Campaign Finance Compliance Statement” form *prior to assuming office*. The form is *not* required of an elected school board candidate who 1.) is exempt from the filing requirements of Michigan’s Campaign Finance Act 2.) did not receive or expend more than \$1,000.00 during the election cycle or 3.) is elected to a position which is not certified on the county level. A form developed for distribution to elected school board candidates who must comply with the new filing requirement is attached.

Important Reminders

Write-in candidates: Michigan election law requires a candidate who wishes to seek a school board position with write-in votes to file a “Declaration of Intent” with the filing official for the office no later than 4:00 p.m. on the Friday immediately preceding the election. Write-in votes cast for a school board candidate who has not filed a Declaration of Intent *do not count*. The Declaration of Intent requirement is waived if a candidate appearing on the ballot for the office involved dies or is otherwise disqualified on or after the Wednesday immediately preceding the election. In such instances, *all* write-in votes cast for the office must be counted including any write-in votes cast for candidates who have not filed a Declaration of Intent.

Write-in votes which do not count due to the candidate’s failure to file a Declaration of Intent should *not* be considered when determining whether an “overvote” has occurred on paper, punch card or optical scan ballots.

With the Declaration of Intent filing requirement, all school district election coordinators are advised to 1.) stock Declaration of Intent forms for distribution to write-in candidates 2.) advise prospective write-in candidates of the new requirement 3.) notify appropriate election inspectors and canvassing boards of Declaration of Intent filings and 4.) train all election inspectors on determining the validity of write-in votes in view of the new requirement. (Reference to the Declaration of Intent requirement in the election notices published in advance of the election is recommended.)

To maintain the integrity of the elections process, it is important to instruct your election inspectors to advise any voters appearing in the polls who ask for information on the candidates who filed a Declaration of Intent to contact the election official responsible for administering the election for such information. *Do not* authorize the election inspectors to offer the names of such candidates when questioned on this matter. Similarly, *do not* post the names of the write-in candidates in the polls on election day.

Use of public funds for political purposes prohibited: Michigan's Campaign Finance Act stipulates that a "public body" (includes school districts and school boards) and individuals acting for public bodies are prohibited from using or authorizing the use of "funds, personnel, office space, property, stationery, postage, vehicles, equipment, supplies, or other public resources" to support or oppose a candidate or the qualification, passage or defeat of a ballot proposal. The law stipulates that an individual who violates the prohibition is guilty of a misdemeanor punishable by a fine of "not more than \$1,000.00 or imprisonment for not more than 1 year, or both"; if the offender is not an individual, the law imposes a fine of "not more than \$20,000.00" or, if a greater amount, a fine "equal to the amount of the improper contribution or expenditure."

"Safety net" provided for voters: Every voter who registers to vote prior to the "close of registration" for the election must be extended a full opportunity to participate in the election despite the occurrence of an administrative error or delay in the processing of his or her voter registration application.

An elector whose voter registration record cannot be located on election day can vote if he or she presents a voter registration application receipt validated on or before the "close of registration" for the election at hand. *As a precondition to voting, the elector must complete and submit a new voter registration application.*

If the elector is unable to produce a validated voter registration application receipt, Michigan election law provides that the elector can vote if he or she:

- 1.) has never participated in an election since registering to vote in his or her current city or township of residence;
- 2.) signs an "Affidavit of Voter Registration" affirming that he or she submitted a voter registration application through a Secretary of State branch office, a designated voter registration agency, the county clerk or the mail on or before the "close of registration" for the election at hand;
- 3.) provides identification to confirm his or her identity and residence; and
- 4.) completes and submits a new voter registration application.

If it appears that the voter can vote under the above procedure, the election inspectors should contact the election official responsible for administering the school election for direction. If it is confirmed that the voter can vote under the above procedure, the voter must vote a "challenged" ballot. A voter registration application form submitted under the above procedures must be forwarded to the appropriate city or township clerk immediately after the election.

It merits emphasis that a voter identification card *cannot* be accepted as proof of a voter's eligibility to vote. If an elector whose voter registration record cannot be located claims to have participated in previous elections conducted by the school district, the clerk of the elector's city or township must be contacted to verify the elector's registration status. Do not allow such electors to vote unless the city or township clerk confirms that the elector is properly registered.

Enclosures

The following materials are provided for your use and reference:

- A Supplementary Affidavit of Identity form.
- A Post-Election Campaign Finance Compliance Statement form.
- A Declaration of Intent form.
- A summary of the state laws which govern absentee voting and the handling of absent voter ballots.
- A quick reference guide to the state laws which govern the operation of polling places.
- An election inspector “script” for use in optical scan precincts.

Assistance Available

If you have questions on the administration of elections in your school district, please feel free to contact the Michigan Department of State, Bureau of Elections, P.O. Box 20126, Lansing, Michigan 48901. Phone: (517) 373-2540.

cc: County Clerks

STATE OF MICHIGAN



MICHIGAN DEPARTMENT OF STATE

**-- Campaign Finance Act Compliance Statement --
SUPPLEMENTARY AFFIDAVIT OF IDENTITY**

- This form must be filed by any candidate filing a nominating petition, filing fee or Affidavit of Candidacy for public office on or after March 10, 2000. The form is also required of any candidate nominated for public office by convention or caucus. Exceptions: requirement does not apply to 1.) a U.S. Senate, U.S. House or precinct delegate candidate or 2.) a school board candidate who is exempt from the filing requirements of Michigan's Campaign Finance Act.
- This form must be accompanied by the standard Affidavit of Identity form when submitted. (If the standard Affidavit of Identity form submitted by the candidate contains the campaign finance compliance statement appearing below, the submission of this form is not necessary.)
- This form is designed to ensure compliance with PA 217 of 1999, an amendment to Michigan election law signed on December 28, 1999.

I swear (or affirm) that on this date, all statements, reports, error or omission notice responses, late filing fees and fines required of me or any Candidate Committee organized to support my election to office and registered under Michigan's Campaign Finance Act, PA 388 of 1976, have been filed or paid. I further acknowledge that making a false statement in this affidavit is perjury, punishable by a fine of up to \$1,000.00 or imprisonment for up to 5 years, or both.

Signature of Candidate: _____

Printed Name of Candidate: _____

Subscribed and sworn to before me this
_____ day of _____

Name of Notary: _____

County: _____

Commission Expires: _____
(Type, Print or Stamp)

(Signature of Notary Public)

STATE OF MICHIGAN



MICHIGAN DEPARTMENT OF STATE

-- POST-ELECTION CAMPAIGN FINANCE COMPLIANCE STATEMENT --

- This form must be filed by any candidate assuming a state, county, city, township, village or school office. Exceptions: an elected candidate whose Candidate Committee “did not receive or expend more than \$1,000.00 during the election cycle” is *not* required to submit the affidavit prior to assuming office. In addition, the requirement does not apply to 1.) an individual elected to a U.S. Senate, U.S. House or precinct delegate position 2.) a candidate elected to a public office which is certified on the city, township, village or school level or 3.) an elected school board candidate who is exempt from the filing requirements of Michigan’s Campaign Finance Act.
- An elected public official who is required to file a post-election campaign finance compliance statement must submit this form to the appropriate filing official *prior to assuming office*.
- Candidates subject to the filing requirement who were elected to an office certified on the *county level* file this form with the county clerk; candidates subject to the filing requirement who were elected to an office certified on the *state level* file this form with the Michigan Department of State’s Bureau of Elections.
- An elected public official subject to the post-election campaign finance compliance statement requirement who fails to file the statement prior to assuming office is guilty of a misdemeanor.

I swear (or affirm) that on this date, all statements, reports, error or omission notice responses, late filing fees and fines required of me or any Candidate Committee organized to support my election to office and registered under Michigan’s Campaign Finance Act, PA 388 of 1976, have been filed or paid. I further acknowledge that making a false statement in this affidavit is perjury, punishable by a fine of up to \$1,000.00 or imprisonment for up to 5 years, or both.

Signature of Candidate: _____

Printed Name of Candidate: _____

Residential Address: _____

Phone: _____

Office You Will Assume: _____

Subscribed and sworn to before me this
_____ day of _____

Name of Notary: _____

County: _____

Commission Expires: _____

(Type, Print or Stamp)

(Signature of Notary Public)

STATE OF MICHIGAN



MICHIGAN DEPARTMENT OF STATE

**WRITE-IN CANDIDATE
DECLARATION OF INTENT**

(NAME OF CITY, TOWNSHIP, VILLAGE OR SCHOOL DISTRICT)

As a Write-In Candidate you must file a Declaration of Intent no later than 4:00 p.m. on the Friday immediately preceding the election. You may have additional filing obligations under Campaign Finance Laws (P.A. 388 of 1976). Ask your filing official for information about the Statement of Organization.

Name _____
(Print or Type)

Residence Address _____
(Street Address) (Post Office) (Zip Code)

☐ City or ☐ Township of _____

I am registered and qualified to vote at this address: ☐ Yes ☐ No Birth date ____/____/____

Home Phone (____) _____ Business Phone (____) _____

DATE OF ELECTION: Primary ____/____/____ General ____/____/____

OFFICE SOUGHT: _____

☐ District No. (if any) _____ ☐ Precinct No. (if Precinct Delegate Candidate) _____

☐ Partisan Office -- Party* _____ ☐ Nonpartisan Office
(*NOTE: Required for Partisan Primary Election Only)

TERM: ☐ Regular ☐ To Fill Vacancy - Term Ending _____ ☐ Other _____

JUDICIAL CANDIDATES ONLY:

☐ Incumbent Position - Place a check in this box if you are running for a judicial office for which the incumbent is seeking reelection.

☐ Non-Incumbent Position - Place a check in this box if you are running for a judicial office for which the incumbent is not seeking reelection.

☐ New Judgeship - Place a check in this box if you are running for a newly created judicial seat.

By signing this affidavit, I swear the statements made above are true and do hereby declare my intent to seek the above elective office as a write-in candidate.

SIGNATURE OF WRITE-IN CANDIDATE: _____

Subscribed and sworn to before me this
_____ day of _____, _____

(Signature of Notary)

Name of Notary _____
County _____
Comm. Expires _____
(Type, Print of Stamp)

OFFICE USE ONLY	
OFFICE CODE _____	DATE OF FILING _____ / _____ / _____
CFR I.D. _____	RECEIVED BY _____

January 15, 2003

STATE OF MICHIGAN



MICHIGAN DEPARTMENT OF STATE

Michigan's Absentee Voting Process

-- Reminders for School Election Coordinators --

Eligibility

- A registered voter is eligible to obtain an absent voter ballot for an upcoming election if he or she: 1.) is 60 years of age or more 2.) is unable to vote without assistance 3.) expects to be absent from his or her city or township of residence for the entire time the polls are open 4.) is in jail awaiting arraignment or trial 5.) has been appointed to work as an election inspector in a precinct outside of his or her precinct of residence or 6.) is unable to attend the polls due to his or her religious beliefs.
- A person who registers to vote by mail must vote *in person* in the first election in which he or she participates. The restriction does not apply to overseas voters, voters who are disabled or voters who are 60 years of age or older. Check with your local city and township clerks to determine if any voters in your school district are subject to this restriction. (It merits note that voting in person on one governmental level clears the restriction on the other levels. For example, if a voter subject to the restriction votes in person at a city/township election, the voter would be free to obtain an absentee ballot for the first school election in which he or she wishes to participate.)

Requesting an Absent Voter Ballot

- A voter who wishes to receive an absentee ballot must request it *in writing* from the school office handling the requests; absentee ballots may not be delivered as a result of an oral request made in person or over the phone. However, an absent voter ballot *application form* may be provided as a result of an oral request.
- The written request may be on a form supplied by the school district or other election official, in a letter or on a postcard. The written request must include a statutory reason why the voter is eligible to receive an absentee ballot and the applicant's signature.
- There are no restrictions on the distribution of blank absent voter ballot application forms. An organization is permitted to design and produce its own absent voter ballot application form if it wishes; such forms must include all of the statutorily required elements.
- A school district may mass mail blank absent voter ballot applications to eligible absentee voters in advance of elections *at its discretion*; such mailings are *not* required by law. Mail lists used by school districts to distribute blank absent voter ballot application forms must be equitably compiled.

- Absent voter ballot requests may be submitted anytime after the 75th day preceding the election. If the ballot must be issued by mail, the application for the ballot must reach the school district no later than 2:00 p.m. on the Saturday prior to the election. Absent voter ballots can be picked up by the voter *in person* anytime up to 4:00 p.m. on the day prior to the election. A voter who visits his or her school district office on the day prior to the election to obtain an absent voter ballot must vote the ballot in the office; the voter is not permitted to leave the office with the ballot. (The law also provides for the issuance of “emergency” absent voter ballots on the day of the election. The emergency absentee voting process is explained below.)

Submission of Signed Absent Voter Ballot Requests

- The persons who may be in lawful possession of a *signed* absent voter ballot request are limited to 1.) the applicant 2.) a member of the applicant’s immediate family 3.) a person residing in the applicant’s household 4.) a person whose job normally includes the handling of mail (but only during the course of his or her employment) 5.) a registered elector asked to handle the application by the applicant and 6.) an authorized election official. A registered elector who returns an absentee ballot application at the request of the applicant must sign a certificate printed on the application form for such persons.
- The school office handling absentee ballot requests must be open on the Saturday preceding the election until 2:00 p.m. -- the deadline for requesting an absentee ballot which must be mailed.

Issuance of Absent Voter Ballots

- A request for an absentee ballot should be processed without delay. It is recommended that the ballot be issued within 24 hours of the receipt of the application. Applications should be processed in the order they are received. This will avoid criticism that certain voters have been given preferential treatment. (While absentee ballots must be issued in the same order in which they are requested, an election official is *not* prohibited from issuing an absentee ballot to a voter applying in person despite the fact that there may be applications on file which have not yet been honored.)
- A signature check *must* be made prior to issuing an absentee ballot. The signature on the ballot application must be checked against the signature on the voter registration record. If a school uses the registration records maintained at the city/township level, arrangements must be made to have ready access to these records so the signature verifications can be made on a timely basis. Schools maintaining their own registration records must ensure that the records are up-to-date and contain signatures.
- An absentee voter can receive an absent voter ballot at his or her registration address, at any address outside of his or her jurisdiction of residence or at a hospital, nursing home or similar institution. If hand delivered, the absent voter ballot must be delivered by the election official or an authorized assistant appointed by the clerk.

- Campaign brochures or any other type of unauthorized materials may *not* be distributed with absentee ballots.

Return of Absent Voter Ballots

- Absentee ballots must be returned to the school office by 8:00 p.m. on election day. Arrangements must be made with the post office to pick up any absent voter ballots received after the last delivery is made.
- The persons who may return an absentee ballot are limited to 1.) the voter 2.) a member of the voter's immediate family who has been asked to return the ballot 3.) a person residing in the voter's household who has been asked to return the ballot 4.) a person whose job normally includes the handling of mail (but only during the course of his or her employment) and 5.) an authorized election official. With these restrictions, an absentee voter is *not* permitted to ask another voter to return his or her absentee ballot.
- An election official is *required* to pick up a voter's absentee ballot if *all* of the following conditions are satisfied: 1.) the election official issued the ballot to the voter 2.) the voter is unable to return the ballot under any of the authorized delivery methods 3.) the voter calls to request the pick up of his or her ballot before 5:00 p.m. on the Friday immediately preceding the election and 4.) it is not necessary for the election official to travel outside of the jurisdiction (in this case, the school district) to obtain the ballot. Under any other circumstances, an election official (or authorized assistant) may pick up a voter's absentee ballot *at the election official's discretion* if 1.) the election official issued the ballot to the voter and 2.) the voter is unable to return the ballot under any of the authorized delivery methods. Election assistants authorized to pick up absentee ballots must carry appropriate credentials and show them when asked.
- A voter returning an absent voter ballot must sign the return envelope supplied with the ballot. An absent voter ballot is not counted unless the voter's signature appears on the envelope and matches the signature appearing on the voter's registration record. If the voter received assistance voting the ballot, the individual who provided the assistance is also required to sign the return envelope.

Emergency Absent Voter Ballot Requests

- An elector may make an "emergency" request for an absentee ballot if he or she cannot attend the polls because of 1.) personal disablement or 2.) a family death or illness which will require that the elector leave the community for the entire time the polls are open on election day. "Emergency" requests for absentee ballots must be made after the deadline for making "regular" requests for absentee ballots (2:00 p.m. on the Saturday before the election) and before 4:00 p.m. on election day. The emergency must have occurred at a time which made it impossible for the voter to apply for an absentee ballot by the statutory deadline for "regular" applications. If an "emergency" absentee ballot is requested, the person making the application may authorize the person delivering the application to pick up and deliver the ballot. The authorization to pick up and deliver the ballot must be in writing and must be

signed by the applicant. An “emergency” absentee ballot may also be delivered by hand to the applicant by a person authorized to handle this task.

Penalties

- Michigan election law specifies that 1.) a person who forges a signature on an absentee ballot application is guilty of a felony 2.) an individual who both distributes absentee ballot applications to absent voters and returns those absentee ballot applications to the election official is guilty of a misdemeanor and 3.) a person, other than an authorized election official, who gives, lends or promises any valuable consideration to or for a person to induce that person to both distribute absentee ballot applications and receive signed absent voter ballot applications from voters for delivery to the election official is guilty of a misdemeanor.
- Michigan election law further specifies that 1.) a person in illegal possession of an absentee ballot (voted or unvoted) is guilty of a felony 2.) an unauthorized person who returns, solicits to return or agrees to return an absentee ballot is guilty of a felony 3.) a person who assists an absentee voter who falsifies the statement which must be signed by such assistants is guilty of a felony and 4.) a person who plans or organizes a meeting at which absentee ballots are to be voted is guilty of a felony.

STATE OF MICHIGAN



MICHIGAN DEPARTMENT OF STATE

January 15, 2003

Procedure for Handling Optical Scan Ballots Rejected in the Polls
-- School Elections --

Election workers appointed to serve in optical scan precincts must be carefully instructed on the appropriate procedures for interacting with voters who have their ballot rejected by the tabulator. As a part of the instruction, it is extremely important to emphasize that the election inspectors *cannot* view the voter's ballot in an attempt to identify the voting error involved.

To ensure the proper handling of voters who have their ballot rejected, the following "script" is offered. The distribution of the script to election inspectors appointed to serve in optical scan precincts is recommended. The election inspector responsible for monitoring the tabulator should read the script to any voter who experiences the rejection of his or her ballot due to a voting error.

STEP I: *Election worker reads following statement to any voter who experiences the rejection of his or her ballot due to a voting error:*

A. If voter has "overvoted" an office: THE TABULATOR HAS REJECTED YOUR BALLOT BECAUSE IT IS IMPROPERLY MARKED. ACCORDING TO THE TABULATOR, YOU HAVE CAST MORE VOTES FOR AN OFFICE THAN ALLOWED

IF YOU WISH TO CORRECT THE VOTING ERROR, WE WILL BE HAPPY TO SUPPLY YOU WITH A REPLACEMENT BALLOT.

IF YOU DO NOT WISH TO CORRECT THE VOTING ERROR, WE WILL BE HAPPY TO ACCEPT YOUR BALLOT AS PRESENTED. PLEASE BE AWARE, HOWEVER, THAT ANY INVALID VOTES MARKED ON YOUR BALLOT WILL NOT BE COUNTED.

B. If voter has not cast any votes (blank ballot): THE TABULATOR HAS REJECTED YOUR BALLOT BECAUSE IT DOES NOT READ ANY VOTES ON THE BALLOT.

IF YOU WISH TO CAST VOTES ON THE BALLOT, YOU MAY RETURN TO THE VOTING STATION. INSTRUCTIONS ON THE VOTING PROCESS ARE AVAILABLE AT YOUR REQUEST.

IF YOU DO NOT WISH TO RETURN TO THE VOTING STATION, WE WILL BE HAPPY TO ACCEPT YOUR BALLOT AS PRESENTED. PLEASE BE AWARE, HOWEVER, THAT NO VOTES WILL COUNT.

STEP II: *If the voter wishes to have his or her ballot cast as presented, the election worker should reemphasize how the ballot will be counted and afford the voter a second opportunity to obtain a replacement ballot or return to the voting station:*

- A.** *If voter has “overvoted” an office:* IF YOUR BALLOT IS CAST AS MARKED, NO VOTES WHICH APPEAR UNDER ANY OFFICE THAT YOU HAVE “OVERVOTED” WILL COUNT. ARE YOU CERTAIN THAT YOU DO NOT WISH TO RECEIVE A REPLACEMENT BALLOT?

- B.** *If voter has not cast any votes (blank ballot):* IF YOUR BALLOT IS CAST AS PRESENTED, NO VOTES WILL COUNT FOR ANY CANDIDATES OR PROPOSALS. ARE YOU CERTAIN THAT YOU DO NOT WISH TO RETURN TO THE VOTING STATION?